IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 33220 of 2007(D)

PETITIONER:

M.P.NARAYAN DAS, S/O PADMANABHAN,
AGED 54 YEARS. VADAKKEMADATHIL HOUSE,
PUTHENKAVU, SOUTH PARAVOOR.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS:

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1. THE ADDL, DISTRICT MAGISTRATE,
ERNAKULAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
TRIPUNITHURA.

3. KOCHUVAVA, KARIMBATHARA HOUSE,
KANJIRAMATTOM, 682315.

BY SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 33220 of 2007

Dated, this the 4th day of December, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned standing counsel for Kerala State Electricity Board.

2. The sketch produced by KSEB shows that the line proposed is from post 'D' to 'I' through post 'F', 'G' & 'H'. Post 'G' appears to be standing in the property of the petitioner. Petitioner apprehends that trees standing in his property will be cut for drawing the overhead line. However, it is seen that between posts 'F' and 'G' there is a canal and on the southern side of the canal there is a pathway. Since posts 'G' and 'H' are on the northern side of the canal, which is southern boundary of petitioner's property and if the posts are installed on the side of the pathway, which is in the southern side of the canal, petitioner's property will not be affected. In the circumstances, this writ petition is disposed of directing 2nd respondent to draw the line through the extreme southern side of the property of the petitioner which is the northern side of the pathway passing parallel to the canal.

3. As far as possible the trees standing in the property of the petitioner should not be cut, and the line should be drawn

causing least inconvenience and destruction to the trees and improvements in the property of the petiitoner. For inevitable loss, petitioner can claim compensation.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg